



असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

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No. 225, Port Blair, Tuesday, October 15, 2013

OFFICE OF THE EXECUTIVE SECRETARY
ANDAMAN ADIM JANJATI VIKAS SAMITI
SECRETARIAT COMPLEX, PORT BLAIR

NOTIFICATION

Port Blair, dated the 15th October, 2013

No. 222/2013/F.No. 16-10/AAJVS/2012/ 670.—In exercise of the Powers conferred under clause 8.1 (g) of the Andaman Adim Janjati Vikas Samiti Rules, 2004 and pursuance of resolution adopted in the meeting dated 09.01.2012 for restructuring of AAJVS, the President of the General Body AAJVS (Hon'ble Lt Governor, A & N Islands) hereby makes the following rules prescribing the services conditions of the Employees of the Andaman Adim Janjati Vikas Samiti, Port Blair, Andaman and Nicobar Islands.

PART – A

ESTABLISHMENT

1. Short Title, Commencement and Application

- These rules shall be called the Andaman Adim Janjati Vikas Samiti Service Rules, 2013.
- They shall come into effect from the date of its Notification in the Official Gazette of Andaman & Nicobar Administration.
- Save as otherwise provided in these rules, these rules shall apply to every person appointed to the service of the Andaman Adim Janjati Vikas Samiti, Port Blair.

2. Definition

In these rules, unless the context otherwise require –

- “Rules” mean the AAJVS Rules, 2004.
- Service Rules means the Service Rules 2013 of AAJVS.
- “President” means the President of the General Body of Andaman Adim Janjati Vikas Samiti (Lt. Governor, A & N Islands).
- “Chairman” means the Chairman of the Executive Council of Andaman Adim Janjati Vikas Samiti (Chief Secretary, A & N Administration).
- “Appointing Authority” means the Chairman of Executive Council AAJVS or any other authority empowered in this behalf under the AAJVS Rules, 2004.
- “Cadre” means the service cadre maintained by AAJVS.
- “Continuous Service” means uninterrupted service but includes service which may have been interrupted due to any authorized leave or any other absence from duty condonable under any law for the time being in force.
- “Samiti” means the Andaman Adim Janjati Vikas Samiti.
- “General Body” means the General Body of Andaman Adim Janjati Vikas Samiti.
- “Executive Council” means the Executive Council of Andaman Adim Janjati Vikas Samiti.
- “Competent Authority” means any authority declared by a resolution of the General Body of AAJVS.

- (l) "Employee" means a person in whole-time service of the AAJVS appointed on regular basis or on contract or on deputation, but does not include a casual employee employed on daily wages or a person in part-time service of the Samiti.
- (m) "Pay" means basic pay plus grade pay.
- (n) "Travelling Allowance" means an allowance granted to an employee towards the expenses which he incurs on travelling in the interest of the employer, i.e., the AAJVS.
- (o) "Increment" means the annual increment granted to an employee.
- (p) "Grant-in-aid" means grant-in-aid received from the Union Territory Administration and Union of India.
- (q) "Bank" means any Nationalized Bank at Port Blair with which the AAJVS operates its account.

3. Service Strength, Recruitment, Seniority and Promotion

- (1) Subject to the requirement of the service for protection and welfare of the Particularly Vulnerable Tribes, the Samiti shall maintain one or more categories of employees as may be required.
- (2) Recruitment to the service shall be made only upon the approval of the competent authority i.e., Executive Council of AAJVS.
- (3) The retirement age of all grade and categories of employees of the Samiti shall be 60 (sixty) years.
- (4) No person against whom a criminal case or disciplinary inquiry is pending can be appointed or promoted to any post in the Samiti.
- (5) Relative seniority of all direct recruits will be according to the order of merit in the select list drawn by Office of the AAJVS.
- (6) Actual number of existing vacancies to be filled up by promotion / direct recruitment will include posts fall in vacant, newly created posts in a calendar year.
- (7) Crucial date of eligibility of the candidate for promotion will be 1st January.
- (8) All the officials holding regular posts in a cadre / category subject to provisions having found fit as per the recruitment rules as on date of the meeting of the DPC could be considered for promotion by DPC.

4. Grade and Qualification of various posts

- (1) The employees of the Samiti shall be of following grades :-
 - (a) Posts with Grade Pay Rs. 5400 and above – **Grade - I**
 - (b) Posts with Grade Pay of Rs. 4200 to Rs.4800 – **Grade - II**
 - (c) Posts with Grade Pay below Rs. 4200 – **Grade - III**
- (2) The essential qualifications of persons for direct recruitment shall be strictly as per the approved Recruitment Rules.

5. Probation and Confirmation

The service of all the employees of the Samiti shall be classified as follows :-

- (1) A Permanent employee means an employee who shall be engaged on a permanent basis after satisfactory completion of probation period.
- (2) A Probationer means an employee appointed against a post has not completed the probation period for two years.
- (3) All employees shall be on a probation of two years and on successful completion of the probation period depending on satisfactory performance, his/her service shall be placed before DPC for confirmation.

6. Pay and Allowances

- (1) The Scale of Pay of the employees of the Samiti shall be as under :-
 - (i) Grade - I Grade Pay Rs. 5400 and above
 - (ii) Grade - II Grade Pay Rs. 4200, 4600 & 4800
 - (ii) Grade - III Grade Pay Rs. 2800 and below
- (2) However, the employees appointed on and deputation shall be governed by the same terms and conditions of deputation as applicable to the employees of A & N Administration.
- (3) The employees of AAJVS including those working on and deputation shall be entitled for annual increment as per their respective Scale of Pay on the 1st day of July every calendar year excluding employees under suspension or employees who have been imposed with penalty by the disciplinary authority. The employees completing 6 months service shall become entitled for concessions, benefits as applicable to the employees of A & N Administration of equivalent Grade Pay.

7. Annual Performance Appraisal Report

- (1) The performance of every employee of the Samiti shall be assessed through Annual Performance Appraisal Report to ensure the achievement of the targets set down for protection and welfare of the Particularly Vulnerable Tribal Groups (PTGs).
- (2) The Annual Performance Appraisal Report shall be the basis for assessing the performance of an employee for advancement or otherwise of his/her career as also for judging his/her comparative merits for confirmation, promotion, assured career progression / modified assured career scheme.
- (3) Performance appraisal takes into account the past performance of the employees and focuses on the improvement of the future performance of the employees. The methods and approaches of performance appraisal may be based on the latest APAR system in vogue by the A & N Administration.
 - i) The Executive Secretary, AAJVS shall be Reporting Officer in respect of all employees posted at Hq. including Tribal Welfare Officer posted at different tribal settlements / areas while the Director (TW) shall be the Reviewing Officer in respect of all employees reported upon by Executive Secretary.
 - ii) For employees posted at Particularly Vulnerable inhabited settlements, respective Tribal Welfare Officer shall be the Reporting Officer and Executive Secretary shall be the Reviewing Officer.
 - iii) Office of AAJVS shall maintain a register ensuring timely submission of APAR's.

PART – B**LEAVE, DISENGAGEMENT AND RESIGNATION****8. Leave Entitlement**

The employees of the Samiti shall be entitled to the following Leave during a Calendar year.

(a) Earned Leave	-	30 days
(b) Commuted Leave on	-	10 Days
(c) Half Pay Leave	-	20 days
(d) Maternity Leave	-	90 days
(e) Casual Leave	-	08 days
(f) Restricted Holiday (based on Notification of holidays by A & N Administration)	-	02 days

9. Right to Leave

Leave cannot be claimed as a matter of right. It can be refused in exigency of the Samiti's Work.

10. Premature / Compulsory Disengagement

- (1) The service of an employee shall be liable to termination at any time by notice in writing given either by the employee to the appointing authority, or by the appointing authority to the employee.
- (2) The period of such notice shall be one month unless otherwise agreed to by the appointing authority and by the employee :

Provided that the service of any such employee will be terminated forthwith, by making payment of a sum equivalent to the amount of his pay plus allowances for the period of the notice, or for the period by which such notice falls short of one month as the case may be.

“Note” – The following procedure shall be adopted by the appointing authority while serving notice on such employee under clause (1) :-

- (i) The notice shall be delivered or tendered to the employee in person.
- (ii) Where it is not practicable to serve the notice in person, it shall be served on such employee by registered post at the residential address of the employee available with the appointing authority.
- (iii) If the notice sent by registered post is returned undelivered, it shall be published in the local news paper(s) and upon such publication, it shall be deemed to have been personally served upon such employee on the date on which it was published in the local news paper.
- (iv) Where a notice is given by the appointing authority proposing to terminate the service of the employee or where the service of any such employee is terminated either on the expiry of the period of such notice or forth-with on payment of pay and allowances, the competent authority may, of his own motion or otherwise, re-open the case and after calling for the record of the case and after making such enquiry as deems fit, may :-
 - (a) confirm the action taken by the authority; or
 - (b) withdraw the notice; or
 - (c) reinstate the employee in service, or
 - (d) make such other order in the case as it may consider proper.

Provided that no case shall be reopened under this sub-clause after the expiry of ninety days –

- (a) in a case where notice is given, from the date of issue of such notice;
- (b) in a case where no notice is given, from the date of termination of service.
- (v) where a suspended employee is reinstated in service the order of reinstatement shall specify -
 - (i) whether he is eligible for full pay and allowance for the period of suspension; and
 - (ii) the said period shall be treated as period spent on duty, if so specified in the order.

11. Disengagement of Service on account of Physical Unfitness

Notwithstanding anything contained in rules, the services of an employee may be disengaged at any time on his being declared physically unfit for continuance in service by an authority who competent to declare him as such.

12. Medical Attendance Rule

All the employees (except daily wage employees and contractual employees of the Andaman Adim Janjati Vikas Samiti (AAJVS) shall be eligible for re-imburement of medical expenses. The provisions contained in the Central Services (Medical Attendance) Rules, 1944) as applicable to the employees of A & N Administration shall be followed by AAJVS. The bills in the prescribed format, accompanied with bills and vouchers of expenditure incurred shall be submitted by the employee concerned after fulfilling all the necessary formalities as contained in the said Rules.

13. Leave Travel Concession

All employees of AAJVS (except daily wage employees) having completed one year of continuous services shall be entitled to Leave Travel Concession. As per the details given below Leave Travel Concession shall cover self and family, as per the family declaration made by the employee :-

Sl. No.	GRADE PAY	ENTITLED CLASS AIR/ STEAMER	RAIL	ROAD
1	Rs.5400 and above	Economy class Air fare / Deluxe class Steamer fare	AC 1 st Class/ 2 Tier	Taxi, Bus, own Car
2	Rs.4200 to Rs. 4800	1 st Class Cabin fare	AC 2 nd Class / 3 tier	Taxi, Bus, own Scooter
3	Below Rs.2400 to Rs. 2800	2 nd Class Cabin fare	AC 3 rd Class/ 3 Tier	Auto rickshaw, own Scooter, Public Bus
4	Below Rs.2400	Bunk Class fare	Sleeper Class	- do-

Home Town

Home Town once declared by an employee shall be final. However, the Home Town can be changed once in a life time with approval of the appointing authority.

Block Year

Block Year for Leave Travel Concession shall be the same as is applicable for employees of A & N Administration.

Advance

As admissible to the employees of A & N Administration of equal grade.

14. Children Educational Assistance

The expenditure incurred towards education of the dependent children of the employees of AAJVS shall be reimbursed at par with the entitlement of the employees of A & N Administration of same grade.

15. Compassionate Appointment

The cases for compassionate appointment of spouse or next of kin of any employee of AAJVS dying in harness may be considered by the appointing authority. The appointment shall be made only in the lowest category of post. The provisions / guidelines of the Government of India issued from time to time in this regard shall be followed by the Samiti as well.

16. Death / Disengagement Benefits

The next to kin / legal heir of the deceased employee of AAJVS shall be entitled to a relief of Rs. 20,000/- (Rupees twenty thousand only) if he / she dies in harness.

PART- C**CONDUCT AND DISCIPLINE****17. General**

- (1) Every employee of AAJVS shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee of the Samiti.
- (2) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and supervision.
- (3) No employee shall, in the performance of his official duties act otherwise than in his best judgment 'for the protection and welfare of Particularly Vulnerable Tribes (PTGs) except when he is acting under the direction of his superior.
- (4) To the extent possible the direction of the official superior shall generally be in writing but where the issue of oral directions becomes unavoidable, the same shall be followed by the subordinate employees and the superior shall subsequently confirm it in writing immediately thereafter.

18. Acts and Conducts which amount to misconduct

The act or conduct of an employee may amount to misconduct –

- (i) If the act or conduct is inconsistent or incompatible with the aim, objects and policy of the Samiti for the protection and welfare of the Particularly Vulnerable Tribes (PTGs);
- (ii) If the act or conduct of an employee is so grossly immoral that it becomes unsafe for the Samiti to trust on his faithfulness and retain him in service;
- (iii) If the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly;
- (iv) If the employee is abusive, insulting and acts in a manner of insubordination thereby disturbing the peace at the place of his employment or committing breach of his responsibility to such a degree as to be incompatible with the continuance of the relation of the employer and the employee;
- (v) If the employee is habitually negligent in respect of the duties for which he is engaged;
- (vi) If the employee indulges in infidelity, unfaithfulness, dishonesty, untrustworthiness and fraud in connection with the employer's policy or property;
- (vii) If the employee commits habitual late attendance to his duties or commits repeated overstaying leave;
- (viii) If the employee is convicted by a Criminal Court;
- (ix) No employee can deny discharge of duty on the right that he / she is on leave. Any denial of discharge of duty tantamount to unbecoming of an employee of AAJVS.

19. Taking part in Politics and Elections

- (i) No employee shall be a member of, or be otherwise associated with any Political Party or any Organization which takes part in politics not shall he take part in, subscribe in aid, or assist in any other manner, any political movement or activity;
- (ii) Every employee of the Samiti shall endeavor to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement of activity which is, or tends directly or indirectly to be, subversive of the Samiti or of the employer as by law established and where an employee is unable to prevent a member of his family from any of the above mentioned activities, he shall make a report to that effect to the Samiti.
- (iii) No employee shall canvass or otherwise interfere with, or use his influence in connection with, or take part in an election to any Legislature or Local Authority;
- (iv) If any question arises whether a party is a political party or any organization takes part in politics or any movement or activity falls within the scope of Sub-rule (ii) the decision of Samiti thereon shall be final.

Explanation - The display by an employee on his person, vehicle or residence, of any electoral symbol shall amount to using his influence in connection with an election within the meaning of sub-rule (iii).

20. Demonstration and Strikes

No employee shall –

- (i) engage himself or participate in any demonstration which is prejudicial to the interest of his sovereignty and integrity of India, the security of the State, the policy of the AAJVS, public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence; or
- (ii) resort, or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee.

21. Connection with Press or other Media

- (1) No employee shall except with the previous sanction of the employer, own wholly or in part, or conduct or participate in the editing or management of, any news paper or other periodical publication or electronic media.

- (2) No employee shall, unless specifically permitted or so directed, interact with any print or electronic media or make any statement in connection with his duties or policies of the Samiti.
- (3) Nothing in sub-rule (i) shall apply in case an employee in the bonafide discharge of his official duties publishes a book or participates in a public media.
- (4) An employee publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of the Samiti.

22. Private Trade and Employment

- (1) Subject to the provisions of sub-rule (ii), no employee shall with the previous sanction of the Competent Authority-
 - (a) engage directly or indirectly in any trade or business; or
 - (b) negotiate for, or undertake, any other employment; or
 - (c) hold an elective office, or canvass for a candidate for an elective office in any body whether incorporated or not; or
 - (d) canvass in support of any business or insurance agency, commission agency etc. owned or managed by any member of his family; or
 - (e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or financial institution or other company registered or required to be registered under the Company's Act 1956, or any other law in time being in-force, or of any Co-operative Society for commercial purpose; or
 - (f) Participate in or associate himself in any manner in the making of -
 - (i) A sponsored media (radio or television) programme;
 - (ii) A privately produced media programme including media magazine :

Provided that no previous permission shall be necessary in case where the employee participates in a programme produced or commissioned by Samiti.

- (2) An Employee may without the previous sanction of the Competent Authority
 - (a) undertake honorary work of social or charitable nature or religious; or
 - (b) undertake occasional work of a literary, artistic or scientific character; or
 - (c) participate in sports activities as an amateur; or
 - (d) take part in the registration, promotion or management (not involving of holding of an elective office) of a literary, scientific or charitable society or of a club or similar organization, the aim or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860, or any other law for the time being in force; or
 - (e) take part in the registration, promotion or management (not involving the holding of elective office) of Co-operative Society substantially for the benefit of the Samiti's employees :

Provided that -

- (i) An employee shall discontinue taking part in such activities if so directed with reasonable grounds by the Samiti;
- (ii) In a case falling under clause (d) or (e) of this sub-rule his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity report to the Samiti giving details of the nature of his participation.
- (3) Every employee shall report to the Samiti if any member of his family is engaged in a trade or business or owns or manages an Insurance Agency or Commission Agency.
- (4) Unless otherwise provided by general or special orders of the Samiti no employee may accept any fee for any work done by him for any private or public body or any private person without the previous sanction of the Competent Authority of the Samiti.

23. Movable and Immovable Property

- (1) (i) Every employee shall on his first appointment to any post in the Samiti, submit a return of his assets and liabilities, in such form as may be prescribed, giving the full particulars regarding-

- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family;
 - (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him; and
 - (c) Debts and other liabilities incurred by him directly or indirectly.
- (ii) Every Employee holding any post included in Grade I shall submit an annual return in such form as may be prescribed in this regards giving full particulars regarding the movable and immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family.
- (2) No employee shall, except with the previous knowledge of the Competent Authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:
- Provided that the previous sanction of the Competent Authority shall be obtained by the Employee if any such transaction is with a person having official dealings with him.
- (3) Where an Employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand rupees in the case of an employee holding any Grade 'I' or Grade 'II' post or fifteen thousand rupees in the case of an employee holding any Grade III post:
- Provided that the previous sanction of the Prescribed Authority shall be obtained by the employee if any such transaction is with a person having official dealings with him.

Explanation I - For the purpose of this rule -

- (1) The expression "**movable property**" includes -
- (a) Jewellery, insurance policies, the annual premia of which exceeds (Rs. 10,000/-) or one-sixth of the total annual emolument received from Government, whichever is less shares, securities and debentures;
 - (b) All loans, advanced or taken by the employee;
 - (c) Motor cars, motor cycles, horses or any other means of conveyance; and
 - (d) Refrigerators, radios and television sets.
- (2) "**Prescribed Authority**" means -
- (a) The Director (TW), in the case of employees holding any Grade I, except where any lower authority is specifically notified for the purpose;
 - (b) Executive Secretary in the case of an employee holding any Grade II or III.

24. Restriction regarding Marriage

- (1) No Employee shall enter into, or contract, a marriage with a person having a spouse living; and
- (2) No Employee having a spouse living, shall enter into, or contract, a marriage with any person :

Provided that the President of AAJVS may permit an employee to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if he is satisfied that -

- (a) Such marriage is permissible under the personal law applicable to such Employee and the other party to the marriage; or
 - (b) There are other special grounds for so doing.
- (3) An employee who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Samiti.

25. Consumption of Intoxicating Drinks and Drugs

An employee shall –

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in anyway;
- (c) refrain from consuming any intoxicating drink or drug in a public place.

Explanation - For the purpose of this rule 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

26. Criticism of Government or of the Samiti

No employee shall, in any radio broadcast, telecast through any electronic media or in any document published in his own name or in the name of any other person or in any communication to the press or in any public utterance, make any statement or fact or opinion which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or State Government or the Samiti :

Provided that nothing in this rule shall apply to any statement made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

27. Interpretation

In case of any clarification / doubt, The Central Civil Services Classification Control & Appeal Rules and Conduct Rules shall be referred.

28. Vigilance Mechanism

1. The Chairman of the Executive Council of AAJVS (Chief Secretary, A & N Administration) shall be the Chief Vigilance Officer and the Secretary of the A & N Administration In-charge of Tribal Welfare shall be the Vigilance Officer of AAJVS.
2. The following shall be the composition of Vigilance Committee for the purpose of all service matters of the employees of AAJVS :-
 - (i) Chairman of Executive Council of AAJVS (Chief Secretary, A & N Administration) - Chairman
 - (ii) Secretary In-charge of the Tribal Welfare, A & N Administration - Member
 - (iii) Director (Tribal Welfare), A & N Administration - Member

PART- D**DISCIPLINARY PROCEEDINGS AND PENALTIES****29. Suspension**

- (1) The Appointing Authority or the Disciplinary Authority or any other authority empowered in that behalf by the general or special order, may place an employee under suspension -
 - (a) Where a disciplinary proceedings against him is contemplated or is pending; or
 - (b) Where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the objectives and policies of the Samiti.
 - (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
- (2) An employee shall be deemed to have been placed under suspension by an order of Appointing Authority-
 - (a) With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
 - (b) With effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation - The period of forty-eight hours referred to in Clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken in to account.

- (3) Where a penalty of dismissal, removal or compulsory disengagement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force, on and from the date of the original order of dismissal, removal or compulsory disengagement and shall remain in force until further orders.
- (4)
 - (a) Subject to the provisions contained in sub-rule (5), any order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.
 - (b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
 - (c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- (5) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the effective date of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eight days at a time.
- (6) An order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the employee continues to be under suspension at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the employee detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later.

30. Penalties:

The following penalties may, for good and sufficient reasons as hereinafter provided, be imposed on an employee, namely:-

Minor Penalties –

- (i) Censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay the whole or part of any pecuniary loss caused by him to the Samiti by negligence or breach of orders;
- (iv) withholding of increments of pay;

Major Penalties –

- (v) reduction to lower time-scale of pay, grade or post which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post;
- (vi) disengagement from service which shall not be disqualification for future employment under the Samiti;
- (vii) disengagement from service which shall ordinarily be a disqualification for future employment under the Samiti :

Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration as a motive or reward for doing any act against the aims, objectives and policies of the Samiti is established the penalty mentioned in Clause (vii) and (viii) shall be imposed:

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation - The following shall not amount to a penalty within the meaning of this rule, namely –

- (a) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (b) reversion of an employee officiating in a higher grade or post to a lower grade or post, on the ground that he is considered to be unsuitable for such higher grade or post or on any administrative ground unconnected with his conduct;
- (c) termination of the service of an employee appointed on probation during or at the end of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (d) replacement of the services of an employee, whose services had been borrowed from a State Govt. or any authority, at the disposal of the State Govt. or the authority from which the services of such employee had been borrowed.

31. Procedure for Imposing Major Penalties

- (1) No order imposing any of the penalties specified in Clause (v) to (vii) of Rule 30 shall be made except after an inquiry held and opportunity of hearing having been given to the employee.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into truth of any imputation of misconduct or misbehavior against an employee, it may itself inquire into, or appoint under this rule an Inquiring Authority to inquire into the truth thereof.

- (3) Where it is proposed to hold an inquiry against an employee under this rule the disciplinary authority shall draw up or cause to be drawn up –
- (i) The substance of imputation of misconduct or misbehaviour into definite and distinct articles of charge;
 - (ii) A statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain –
 - (a) A statement of all relevant facts including any admission or confession made by the employee;
 - (b) A list of documents by which, and a list of witness by whom the articles of charge are proposed to be sustained.
- (4) The disciplinary authority shall deliver the charge sheet to the charged employee allowing him to submit within such reasonable time as may be specified, a written statement of defence and to state whether he desires to be heard in person.
- (5) (a) on receipt of the written statement of defence, or if the written statement is not received within the specified time, the disciplinary authority may, itself inquire into such article of charge as are not admitted, or if it considers it necessary, appoint under Sub-Rule (2) an Inquiring Authority for the purpose.
- (b) Where all the articles of charges have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings for each charge after taking such evidence as deemed fit and shall act in the manner laid down in Rule (31).
- (c) Where the disciplinary authority considers it necessary that an inquiry into any article of charge against an employee be held, he may appoint an Inquiring Authority from amongst the competent serving (Gazetted) Officers or a competent retired (Gazetted) Officer of the Administration and shall also appoint a Presenting Officer to present on its behalf the case in support of the articles of charge.
- (6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority:-
- (a) A copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (b) A copy of the written statement of the defense, if any, submitted by the employee;
 - (c) A copy of the statements of witnesses, if any, referred to in sub-rule (3);
 - (d) Evidence proving the delivery of the documents referred to in sub-rule (3) to the employee; and
 - (e) Copy of the order appointing the "Presenting Officer".
- (7) The employee shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt of the articles of charges and the statement of the imputations or misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow.
- (a) The employee may take the assistance of any other employee or Government Servant posted in any other office at his headquarters or at the place where the inquiry is held, to defend his case, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or the Disciplinary Authority, having regard to the circumstances of the case, so permit.
- Note** - The employee shall not take the assistance of any other employee who has three pending disciplinary cases on hand in which he has to give assistance.
- (b) The employee may also take the assistance of a retired employee to present the case on his behalf, subject to condition that such a retired employee does not have five pending disciplinary cases on hand in which he has to give assistance.

- (9) If the employee who has not admitted any of the articles of charge in his written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiry Authority shall record the plea, sign the record and obtain the signature of the employee thereon.
- (10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charges to which the employee pleads guilty.
- (11) The Inquiring Authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charges, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence:-
 - (i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3);
 - (ii) submit a list of witnesses to be examined on his behalf;
 - (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discovery or production of any documents which are in the possession of the Samiti but not mentioned in the list referred to in sub-rule (3).
- (12) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witness as it thinks fit.
- (13) When the case for the Disciplinary Authority is closed, the employee shall be required to state his defence, and produce evidence thereof. The employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.
- (14) The Inquiring Authority may, after the employee closes his case, and if the employee has not examined himself, shall generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (15) The Inquiring Authority may, after the completion of the production of evidence, permit the Presenting Officer and the employee to file written briefs of their respective case. A copy of the written brief of the Presenting Officer must be given to the employee before asking him to file his written brief.
- (16) If the employee, to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule, the Inquiring Authority may hold the inquiry *ex parte*.
- (17) After the conclusion of the inquiry, the Inquiring Authority shall submit report to the Disciplinary Authority which shall contain-
 - (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (b) the defence of the employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each article of charge and reasons there for.

32. Action on the Inquiry Report

- (1) The Disciplinary Authority on receipt of the inquiry report shall forward a copy of the findings of the Inquiring Authority together with the proposed action of penalty to be imposed to the charged employee, if any, giving him an opportunity to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days irrespective of whether the report is favourable or not to the employee.
- (2) The Disciplinary Authority, if not satisfied with the findings of the Inquiring Authority, may remit the case with reasons thereof to the Inquiring Authority for further inquiry and report, or may appoint a new Inquiring Authority for further inquiring and report according to the provisions of Rule 30.
- (3) The Disciplinary Authority on receipt of the written representation or the submission of the employee, may record his findings or observations and shall proceed, if it is so decided, for imposing the penalties as specified in Clauses (i) to (viii) of Rule 29 to be imposed on the employee.

33. Disciplinary Authorities

- (1) The President / Chairman of the Samiti may impose any of the penalties specified in Rule 29 on any employee.
- (2) Without prejudice to the provisions of sub-rule (1), any of the penalties specified may be imposed on –
 - (a) any employee in the service of AAJVS by the authorities specified below as the Disciplinary Authorities:-
 - (i) President, AAJVS (Lt. Governor A & N Islands) shall be the disciplinary authority in respect of **Grade-I and Grade-II** Employees viz. Executive Secretary, Research-cum-Development Officer and Administrative Officer.
 - (ii) Chairman of the Executive Council of AAJVS (Chief Secretary, A & N Administration) shall be the Disciplinary Authority in respect of all other categories of employees.
- (3) The President / Chairman of the Samiti or any other authority empowered by him by general or specific order may institute disciplinary proceedings on any employee to impose any of the penalties specified in Rule 29.

34. Common Disciplinary Proceedings

When two or more employees of the same category are concerned in any case, the President / Chairman is competent to impose the penalty may make an order directing that disciplinary action against all of them may be taken in common proceedings.

35. Summary Procedure in certain Cases

Notwithstanding anything contained in Rule 29 to 32, the President / Chairman of AAJVS, considering the circumstances of the case, and for reasons to be recorded in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, make such orders thereon as deems fit :

Provided that the employee may be given an opportunity of making representation or submission on penalty proposed to be imposed before any such order is made.

36. Provisions regarding Officers borrowed from State Government etc.

- (1) Where an order of suspension is made or a disciplinary proceedings is instituted against an employee, whose services have been borrowed by AAJVS from another Government Departments or from a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services shall forthwith be informed of the circumstances leading to the order of the suspension of the Government Servant or the commencement of the disciplinary proceedings as the case may be.
- (2) If the disciplinary authority is of the opinion that any of the penalties specified in Clause (v) to (viii) of Rule 29 should be imposed on the employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action, as it may deem necessary.

37. Appeals and Appellate Authority

- (1) Notwithstanding anything contained in these rules no appeal shall lie against -
 - (i) any order made by the President of AAJVS;
 - (ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceedings other than an order of suspension;
 - (iii) any order passed by an Inquiring Authority in the course of an inquiry under Rule (30);
- (2) Subject to the provisions at sub-rule (1), an employee may prefer an appeal against all or any of the following orders passed by Chairman viz...
 - (i) an order of suspension made or deemed to have been made under Rule (28); or
 - (ii) an order imposing any of the penalties specified in Rule (29); or
 - (iii) an order which denies or varies to the disadvantage of his pay, allowances, pension or other conditions of service as regulated by rules; or
 - (iv) an order determining his pay and allowances for the period of suspension or for the period from the date of dismissal, removal or compulsory disengagement from service or from the date of his reduction to a lower post, scale or stage in a scale of pay to the date of his re-instatement to the service; or
 - (v) an order determining whether or not the period from his suspension or from the period of his dismissal, compulsory disengagement or reduction to a lower service, time scale to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.
- (3) An appeal by an employee, including a person who has seized to be in service of AAJVS, against all or any order as specified in sub-rule (2) shall be made before the President of the AAJVS.

38. Period of Limitation of Appeals:-

No appeal preferred under Rule 36 shall be entertained unless such appeal is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant :

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

39. Review

Notwithstanding anything contained in these rules, the President of the Samiti may at anytime, either on his own motion or otherwise call for the records of any inquiry and review any order made under these rules, and may-

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed;
- (c) remit the case to the authority which made the order to or any or authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as it may deem fit :

Provided that no order imposing or enhancing any penalty shall be made by the Reviewing Authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed.

- 40.** In case of any ambiguity, the CCS (CCA) will be referred as applicable to employees of A & N Administration.

PART – E

FINANCIAL RULE

- 41.** The General Body of the Samiti shall be competent authority to delegate on its Officers by its resolution from time-to-time various financial powers for management and functioning of the Samiti :

Provided that such delegation of financial powers shall, to the extent possible, conform to the provisions of the General Financial Rules of the Government of India.
